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2013 IL App (3d) 130421-U

Order filed October 24, 2013

IN THE APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

A.D., 2013

<i>In re</i> J.L.,)	Appeal from the Circuit Court
)	of the 10th Judicial Circuit,
a Minor)	Peoria County, Illinois
)	
(The People of the State of Illinois,)	
)	
Petitioner-Appellee,)	Appeal No. 3-13-0421
)	Circuit No. 11-JA-122
v.)	
)	
Tomeka L.,)	Honorable
)	Chris L. Fredericksen,
Respondent-Appellant).)	Judge, Presiding.

JUSTICE CARTER delivered the judgment of the court.
Justices Lytton and O'Brien concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed the circuit court's termination order in which it found that it was in the minor's best interest to terminate the respondent's parental rights to the minor.

¶ 2 The circuit court entered orders finding the respondent, Tomeka L., to be an unfit parent and terminating the respondent's parental rights to the minor, J.L. On appeal, the respondent argues that the circuit court erred when it terminated her parental rights. We affirm.

¶ 3

FACTS

¶ 4 On May 17, 2011, a juvenile petition was filed alleging that the minor, who was born on March 29, 2011, was neglected by reason of an injurious environment. With regard to the respondent, the petition alleged that: (1) she had been found unfit five times between 2002 and 2004 in another juvenile case and that there had been no subsequent finding of fitness; (2) she had not completed services that would result in a finding of fitness; and (3) she had a lengthy criminal history that included double-digit convictions between 1997 and 2010. The respondent stipulated to the petition's allegations, and on July 7, 2011, the circuit court found the minor to be neglected. Also on that date, the court held a dispositional hearing at which the minor was made a ward of the court, the Department of Children and Family Services (DCFS) was named guardian, and the respondent was found unfit based on her prior unfitness finding, on her failure to complete services, and on her "long criminal history" that included substance abuse and violence. The respondent was also ordered to complete numerous tasks.

¶ 5 On October 31, 2012, the State filed a petition to terminate the respondent's parental rights to the minor. The petition alleged that she failed to make reasonable progress toward the return of the minor to her care during the nine-month period between July 7, 2011, and April 7, 2012. In March 2013, the respondent stipulated to the petition's allegations, and the circuit court found the respondent to be an unfit parent. The court also set the case for a best-interest hearing.

¶ 6 The caseworker compiled a best-interest hearing report on April 11, 2013. The report stated that the minor had been at her current placement since June 29, 2011. Her foster parents were meeting her basic needs. The foster home was adequate, as was the day care that the minor attended. The foster parents were willing to adopt the minor, who had been developing age-

appropriately. The minor had a "strong relationship and bond" with her foster family, including the foster parents' son. The caseworker opined in the report that the minor knew the respondent as a familiar person but did not know why she saw her on a regular basis, and that the relationship between the minor and the respondent was not as strong as that which she had with the foster parents. The report concluded that the minor's sense of security was with her foster family, that the minor was in the least disruptive placement, and that the respondent's parental rights should be terminated to clear the way for adoption by the foster family.

¶ 7 The caseworker also compiled an addendum to that report on May 31, 2013. The addendum had no changes to the report's recommendations; it did point out that on May 1, 2013, the respondent made a statement to the caseworker that "I just want to be a fit parent whether [the minor] comes home or not." The addendum also contained updates on the respondent's progress with her services and commented on the respondent's visits with the minor. The addendum stated that the minor appeared to be frightened of the visitations and that the foster parents noted a general mood change in the minor after visits. In addition, the addendum noted that the minor was exhibiting an abnormal amount of fear with people outside of the foster home, which stood in stark contrast to the way in which the minor behaved in comfortable environments such as day care.

¶ 8 On June 12, 2013, the circuit court held a best-interest hearing. The State rested on the caseworker's best-interest-hearing report and addendum. The respondent testified that she did not comply with a May 16, 2013, drug drop because she lacked transportation, even though she had contacted the caseworker for a gas pass. She stated that she and the minor were "extremely bonded." The caseworker testified that the respondent had been given all the gas passes she

could be allotted during May. Both the respondent and the caseworker also testified briefly regarding services in which the respondent had been participating.

¶ 9 At the close of the hearing, the circuit court acknowledged that the respondent had made significant progress in her services, but that "this is the best interest hearing where I have to determine what's in the best interest of this child, not what's in the best interest of the mother or not what is the desires of the mother." The court found that the minor did not appear to have a bond with the respondent and that the minor was scared while in the respondent's presence at visits. The court also noted the respondent's criminal history, which caused the court concern regarding the minor's physical safety. The court contrasted those aspects with the minor's foster environment in which she felt safe and in which the foster parents provided good care. The court emphasized that the development of the minor's identity was through the foster family and that she was bonded to them. The court found that the minor had been in foster care for approximately two years and was in an environment that offered permanence. Accordingly, the court found that it was in the minor's best interest to terminate the respondent's parental rights. The respondent appealed.

¶ 10 ANALYSIS

¶ 11 The respondent's sole argument on appeal is that the circuit court erred when it found that it was in the minor's best interest to terminate her parental rights.

¶ 12 After a parent has been found unfit, the next step is to determine whether it is in the best interest of the child to terminate parental rights. 705 ILCS 405/2-29(2) (West 2010). Section 1-3(4.05) of the Juvenile Court Act of 1987 provides:

"Whenever a 'best interest' determination is required, the following factors shall

be considered in the context of the child's age and developmental needs:

- (a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
- (b) the development of the child's identity;
- (c) the child's background and ties, including familial, cultural, and religious;
- (d) the child's sense of attachments, including:
 - (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
 - (ii) the child's sense of security;
 - (iii) the child's sense of familiarity;
 - (iv) continuity of affection for the child;
 - (v) the least disruptive placement alternative for the child;
- (e) the child's wishes and long-term goals;
- (f) the child's community ties, including church, school, and friends;
- (g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;
- (h) the uniqueness of every family and child;
- (i) the risks attendant to entering and being in substitute care; and
- (j) the preferences of the persons available to care for the child." 705

¶ 13 "[A]t a best-interests hearing, the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *In re D.T.*, 212 Ill. 2d 347, 364 (2004). We will not disturb a circuit court's best-interest ruling unless it was against the manifest weight of the evidence. *In re S.D.*, 2011 IL App (3d) 110184, ¶ 33.

¶ 14 Our review of the record reveals that the circuit court's best-interest ruling was not erroneous. The evidence showed that the minor felt safe in her foster home with her foster family, and she exhibited a high level of fear outside of her comfortable environments. The foster family met the minor's basic needs and the minor was developing age-appropriately in that situation. The bond between the minor and the foster family was strong, and the bond between the minor and the respondent was questionable at best. The minor had been with her foster family since June 29, 2011, when she was three months old, which was a period of almost two years. The foster parents were willing to adopt the minor and provide her with much-needed permanence. Under these circumstances, we hold that the circuit court's best-interest ruling was not against the manifest weight of the evidence.

¶ 15 CONCLUSION

¶ 16 The judgment of the circuit court of Peoria County is affirmed.

¶ 17 Affirmed.